

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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REILS FINANCE SPV,	:
	:
Plaintiff,	:
	:
-v-	:
	:
CIP 1300 U STREET OWNER, LLC, and ROBERT W. CLIPPINGER,	:
	:
Defendants.	:
	:
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22-CV-7280 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On November 4, 2022, the Court ordered Plaintiff to submit a letter brief addressing the citizenship of trusts and to amend the complaint to properly allege the citizenship of all parties. ECF No. 34. On December 1, 2022, Plaintiff filed a second amended complaint, ECF No. 46 (“SAC”), but did not cure all of the jurisdictional pleading defects the Court identified in the original Complaint. Specifically, Plaintiff allege the residency of the natural person who is the sole member of two of the entities who are members of one of the defendants. SAC ¶¶ 5-6. For purposes of diversity jurisdiction, however, “a statement of the parties’ residence is insufficient to establish their citizenship.” *Leveraged Leasing Admin. Corp. v. PacifiCorp Cap., Inc.*, 87 F.3d 44, 47 (2d Cir. 1996); *see also Canedy v. Liberty Mut. Ins. Co.*, 126 F.3d 100, 103 (2d Cir. 1997) (“[A]llegations of residency alone cannot establish citizenship . . .”).

Accordingly, Plaintiff still has until **December 7, 2022**, to amend its complaint to adequately allege the citizenship of all members of the defendant LLC. If, by that date, Plaintiff is unable to do so, the Court will dismiss the case without prejudice and without further notice to any party.

Additionally, Plaintiff is reminded that, pursuant to Rule 1.B of the Court's Individual Rules and Practices in Civil Cases, "[a]ny amended or corrected filing (including but not limited to amended pleadings) shall be filed with a redline showing all differences between the original and revised filing."

Plaintiff is directed to serve a copy of this Order on Defendants by mail within **one business day**, and to docket proof of service by **December 5, 2022**.

SO ORDERED.

Dated: December 1, 2022
New York, New York



JESSE M. FURMAN
United States District Judge